

1635

**ReedSmith
CrosbyHeafey^{LLP}**

FAX TRANSMITTAL

FAX RECEIVED

AUG 11 2003

GROUP 1600

From: Nathan P. Koenig
Direct Phone: 510.466.6792
Email: nkoenig@reedsmith.com
Date: August 8, 2003

Two Embarcadero Center
Suite 2000
San Francisco, CA 94111
Main Phone: 415.543.8700
Main Fax: 415.391.8269
Direct Fax: 415 391 8269

Total Number Of Pages Including Cover Page 6

FAX TO

Name	Company	Fax Number	Phone Number
Examiner Richard A. Schnizer	USPTO, Art Unit 1635	(703) 305-3014	(703) 306-5441

No Original to follow

NOTES:

Please deliver to Examiner Richard A. Schnizer, Art Unit 1635

Formal Communication Intended For Entry In U.S. Patent Application Serial No. 09/778,388 attached.

If you do not receive all of the pages, please call us at (415) 659-5656.

Please Transmit Before 9 10 11 a.m. 12 1 2 3 4 5 6 7 8 p.m.

Client Number 343054 Matter Number: 01600 Attorney Number 5502
 Transmission Time: 8 a.m./p.m. Finish Time: 8 a.m./p.m.
 Operator: _____

PLEASE NOTE: The information contained in this facsimile message may be privileged and confidential, and is intended only for the use of the individual(s) or entity named above who has been specifically authorized to receive it. If the reader is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return all pages to the address shown below. Thank you.

LONDON • NEW YORK • LOS ANGELES • SAN FRANCISCO • WASHINGTON, D.C. • PHILADELPHIA • PITTSBURGH • OAKLAND • PRINCETON
 FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • HARRISBURG • LEESBURG • WESTLAKE VILLAGE

r e e d s m i t h . c o m

"Read Smith" and "Read Smith Crosby Heafey LLP" refer to Read SMITH LLP and related entities.

Received from <4153918269> at 8/8/03 6:45:19 PM [Eastern Daylight Time]

PTO/SB/97 (05-03)

Approved for use through 04/30/2003 OMB 0651-0031

U.S. Patent and Trademark Office, U S DEPARTMENT OF COMMERCE

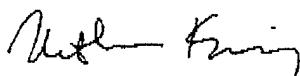
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

on August 8, 2003.

Date



Signature

Nathan P. Koenig

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Continued Prosecution Application (CPA) Request Transmittal
Petition For Extension Of Time Under 37 CFR 1.136(a), in duplicate

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:	Attorney Docket No. of Prior Application	343054.01600
Mail Stop CPA Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	First Named Inventor	Francis C Szoka, Jr et al.
	Examiner Name	Richard A. Schnizer
	Art Unit	1635
	Express Mail Label No	

This is a request for a continuation or divisional application under 37 CFR 1.53(d).

(continued prosecution application (CPA)) of prior application number 09/778 388

filed on February 7, 2001, entitled pH Sensitive Lipids Based On Ortho Ester Linkers, Composition And Method.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 74865 (Mar. 20, 2000), 7233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- 1. Enter the unentered amendment previously filed on July 16, 2003 under 37 CFR 1.116 in the prior nonprovisional application.
- 2. A preliminary amendment is enclosed.
- 3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (a)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- 4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- 5. Information Disclosure Statement (IDS) is enclosed.
 - a. PTO-1449
 - b. Copies of IDS Citations

[Page 1 of 2]

This collection of information is required by 37 CFR 1.53(q). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9799) and select option 2.

08-Aug-2003 15:44

From-REED SMITH CROSBY HEAFY

4153918269

T-000 P.004/006 F-158

U S Patent and Trademark Office U S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (i))	48-20** =	28	x \$18=	\$ 504
	INDEPENDENT CLAIMS (37 CFR 1.16(d) or (ii))	7-3** =	4	x \$84=	336
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(i))			x \$ ____ =	
				BASIC FEE (37 CFR 1.16)	750
				Total of above Calculations =	1,590
					795
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27)				
	* Reissue claims in excess of 20 and over original patent.			TOTAL =	\$795
	-- Reissue independent claims over original patent.				

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27
7. The Director is hereby authorized to credit overpayments or charge the following fees to Deposit Account No 502 - 603:
- Fees required under 37 CFR 1.16.
 - Fees required under 37 CFR 1.17
 - Fees required under 37 CFR 1.18.
8. A check in the amount of \$ _____ is enclosed
9. Payment by credit card. Form PTO-203B is attached.
10. Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(l) enclosed).
11. New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. Receipt For Facsimile Transmited CPA (PTO/SB/29A)
b. Return Receipt Postcard (Should be specifically itemized. See MPEP 503)
13. Other:

NOTE: If the application is assigned to another office, this correspondence will be forwarded to that office.
UNLESS THE ATTORNEY'S CORRESPONDENCE ADDRESS IS PROVIDED BELOW,

12. NEW CORRESPONDENCE ADDRESS

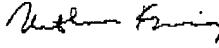
<input type="checkbox"/> Customer Number or Bar Code Label		or <input checked="" type="checkbox"/> New correspondence address below <small>(Insert new address in the space above the barcode label here.)</small>	
Name	Nathan P. Koenig Reed Smith Crosby Heafey LLP		
Address	P.O. Box 7936		
City	San Francisco	State	CA
Zip Code	94120-7936		
Country	USA	Telephone	(415) 806-2252
		Fax	(415) 391-8269

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)

Nathan P. Koenig

Signature



Registration No. (Attorney/Agent)

38,210

Date

August 8, 2003

{Page 2 of 2}